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Patent US/(211C1) Attorney Docket: 032,290-051

(Formerly ARTM 1011-4)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Morrison et al.

Serial No.: 10/045,657

Filed: November 7, 2001

For: TISSUE SEPARATOR ASSEMBLY

AND METHOD

Group Art Unit: 3739

Examiner: Rosiland Stacie Kearny

NOTIFICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

As stated in the Petition under 37 CFR § 1.47(a) submitted by James F. Hann on August 12, 2002 (Exhibit A), Mr. Laird had previously refused to join in the subject application. The petition was granted in a Decision mailed on December 10, 2002 (Exhibit B). Robert J. Laird has now agreed to sign a declaration for the above-referenced application. Attached as Exhibit C is the executed declaration.

> Respectfully submitted, O'MELVENY & MYERS LLP

une 10, 200 Dated:

By:

Diane K. Wong Reg. No. 54,550

JCK/DKW

O'Melveny & Myers LLP 114 Pacifica, Suite 100 Irvine, CA 92618-3315 (949) 737-2900

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 10, 2004

Date of Deposit IR1:1055766.1

Cynthia B. Pacheco

Title: TISSUE Separator Assem	bly and Method
Inventors/Applicant: Morrison etal.	0
Application Serial No.: 10/045.1277	Filing Date: North Town
Type Of Application: [1] Provisional [1] Original [7]	CIP Continuation CI D
☐ Transmittal of Patent Application [.] Specification and Abstract	Fee Transmittal Extension of time fee \$ Assignment Record. Fee \$ Issue fee/advance order \$ Other Fee \$
Attorney Docket No. ALTM 1011 4 110	Separate letter to Official Datkerson
Attornavi	Date Mailed. 12 Aug. 2002
Please stamp and return th	nis postcard to confirm receipt of the above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	George Morrison et al.)	F
Application	n No.: 10/045,657)	Examiner: unknown
Filed:	November 7, 2001)	Group Art Unit: 3739
Title:	TISSUE SEPARATOR ASSEMBLY AND METHOD)	Date: August 12, 2002
		_)	CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EV 044535494 US to: Box Missing Parts; Commissioner for Patents, Washington, DC 20231 on August 12, 2002.

TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION

BOX MISSING PARTS Commissioner of Patents Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated March 12, 2002, enclosed please find:

- Copy of the Notice to File Missing Parts of Nonprovisional Application -[X]Filing Date Granted;
- Petition for a Three Extension of Time with Check No. 1896 in the [X]amount of \$460.00 covering fees due.
- Combined Declaration and Power of Attorney for Utility Patent [X]Application signed by two inventor(s).
- Petition under 37 CFR § 1.47(a) with Exhibit A and Check No. 1897 [X] in the amount of \$130.00 covering petition fee.
- Check No. 1898 in the amount of \$972.00 covering filing fees due [X](Statutory basic filing fee -\$370.00), (additional claim fees -\$369 for 41 claims over 20), (\$168.00 for 4 independent claims over 3), and (oath or declaration surcharge as set forth in 37 CFR 1.16(1) of \$65.00).
- Letter to Official Draftsperson with 8 sheets of formal drawings. [X]

Atty. Docket No. ARTM 1011-4 US Appl. No. 10/045,657

> Third Information Disclosure Statement in duplicate with PTO 1449 form [X] and copy of reference cited.

The Commissioner is hereby authorized to charge any additional fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-0869 (Docket No. ARTM 1011-4 US). A duplicate of this paper is enclosed.

Respectfully submitted,

Date: August 12, 2002

Registration No. 29,719

HAYNES BEFFEL & WOLFELD LLP P.O. Box 366 Half Moon Bay, CA 94019 (650) 712-0340

MAR 1 9 2002



UNITED STATES PATENT AND RECEIVED

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023I
WWW.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/045,657

11/07/2001

George Morrison

ARTM 1011-4

CONFIRMATION NO. 9884

22470 HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019

FORMALITIES LETTER
OC000000007620407

Date Mailed: 03/12/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.

 Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$537.
 - \$369 for 41 total claims over 20.
 - \$168 for 4 independent claims over 3.
- The oath or declaration is missing.

 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 972.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 HAYNES BEFFEL & WOLFELD LLP

DOCKETED: 3/25/02

BY: DEN

ACTION: M155 IN G PARTS + DIWGS

DUE DATES: DUE - 5/12/02

FINAL - 9/12/02

DUCKET NO-

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

PATENT

Express Mail Label: EV 044535494 US

Date: August 12, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Morrison et al.)
• •) Examiner: unknown
Application	on No.: 10/045,657	· ·
) Group Art Unit: 3739
Filed:	November 7, 2001)
) Date: August 12, 2002
Title:	TISSUE SEPARATOR ASSEMBLY)
	AND METHOD)
)

PETITION FOR THREE MONTHS EXTENSION OF TIME

BOX MISSING PARTS Commissioner of Patents Washington, D.C. 20231

Dear Sir:

Applicant petitions the Commissioner of Patents to extend the time for response to the Notice to File Missing Parts dated March 12, 2002 for three months, from May 12, 2002 to August 12, 2002. A check in the amount of \$460.00 is enclosed to cover fees due.

Should it be determined that additional fees are required, the Commissioner is hereby authorized to charge those fees to Deposit Account No. 50-0869 (Docket No. ARTM 1011-4 US). A duplicate copy of this paper is enclosed.

Respectfully submitted,

Date: August 12, 2002

James F. Hann

Registration No. 29,719

HAYNES BEFFEL & WOLFELD LLP P.O. Box 366 Half Moon Bay, CA 94019 (650) 712-0340

Atty. Docket No. ARTM 1011-4 US

COMBINED DECLARATION AND POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am the original, first and sole Inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention titled:

	Tissue Separate	or and Method		
the specification of which				
is attached hereto.				
was filed on Nove	mber 7, 2001 as Applica	ition No. <u>10/045,657</u> ,		
and was amen	nded on (<i>if applicable</i>)).		
I hereby state that specification, including the claim	I have reviewed and ms, as amended by any	understand the conte amendment referred to	ents of the a above.	above-identifie
I acknowledge the drapplication in accordance with "Each Individual associated wit good faith in dealing with the C that Individual to be material to known to be material to paten patentability of any claim issue prescribed by §§ 1.97(b)-(d) and	th the filling and prosecu Office, which includes a copatentability as defined to be do in a patent was cited by the property of the copation	al Regulations, § 1.56(a) tion of a patent applicat duty to disclose to the C I in this sectionThe d a satisfied if all informa	which states I ion has a duty Office all inform uty to disclose tion known to	in relevant part of candor and nation known to all information be material to
I hereby claim foreign application(s) for patent or inversely application for patent or application on which priority is a	r inventor's certificate or	idicated below and hav	re also identif	ied below any
Prior Foreign Application	(a)no		Priority Clai	med
			☐ Yes	□ No
(Number) (Country)	(Day/Month/Year Filed)			
			Yes	☐ No
(Number) (Country)	(Day/Month/Year Filed)			
I hereby claim the be application(s), and under Titl application(s), listed below and disclosed in the prior United S United States Code, § 112, I a Code of Federal Regulations, § the national or PCT international	, insofar as the subject r tates application in the cknowledge the duty to § 1.56(a) which occurred	ode, § 119(e) of any natter of each of the cla manner provided by th disclose material inforn I between the filing date	united State sims of this ap first paragra nation as defir	es provisiona plication is not uph of Title 35, ned in Title 37,
60/246,413	November 7, 2000	Pending		
(Application No.)	Filing Date)	(Status: Patented, P	ending, Aband	loned)
(Application No.)	(Filing Date)	(Status: Patented, P	ending, Aband	loned)
(Application No.)	(Filing Date)	(Status: Patented, P	ending, Aband	loned)

Atty. Docket No. ARTM 1011-4 US

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Mark A. Haynes	Reg. No. 30,846
Ernest J. Beffel, Jr.	Reg. No. 43,489
Warren S. Wolfeld	Reg. No. 31,454
James F. Hann	Reg. No. 28,719
Bill Kennedy	Reg. No. 33,407

Address all correspondence to:

07/29/02

CUSTOMER NO. 22470

ARTEMIS MEDICAL

James F. Hann Haynes Beffel & Wolfeld LLP P.O. Box 366 Half Moon Bay, CA 94019

Direct all telephone calls to Jim Hann at (850) 712-0340.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18. United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first	
Inventor:	George Morrison
Inventor's signature:	Sin N/
Date:	7/29/02
Citizenship:	United States
Mailing Address:	-707 Shell Boulovert Apr. 284A - 1175 PARK PLACE #217
	- Foster City, California 04404 SAN MATEO, CA 94403
Residence:	Same as above
Full name of second	
inventor, if any:	William Dubrul
Inventor's signature:	
Date:	
Citizenship:	United States
Malling Address:	1 Uccelli Boulevard
_	Redwood City, California 94063
Residence:	Same as above

Atly. Docket No. ARTIM 1011-4 U.S.

I temby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademert Office connected therewith, and to tile, prosecute and to transact all business in connection with international applications directed to said invention:

Mark A Haynes Reg No. 30,848
Ernest J. Beffel Jr. Reg. No. 43,468
Wheren S. Widfeld Reg. No. 31,454
James F. Harm Reg. No. 29,719
Bill Kennedy Reg. No. 33,407

Address all correspondence for

CUSTOMER NO. 22470

James F. Hann Heynes Beriel & Wolfeld LLP P.O. Box 386 Half Moon Boy, CA 94019

Derect all beiophone calls to Jim Hann at (1850) 712-0340

I hereby declare that all statements made herein of my own largerledge are true and first all statements made on information and better are believed to be true; and further that these statements were made with the longitudge that willful false statements and the little so made are punishable by time or imprisonment, or both, under 1960 180, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent tested thereon.

Full name of Bolls or Rost inventor.	George Morrison
inventor's इंग्राविधान	
Date:	·
Cimeralip:	United States
Mailing Address:	707 Shee Housey and April 204A
	Foster City, Celfornia 94404
Residence:	Same as ebove
Full marms of second	William Dabrui
	Nilliam Du Grul
Inventor's signature	1/19/1
Date:	
Cilizonsista	United States
Making Address:	1 Ulcosti Boutoward
	Reduced City California 94063
Residence:	Same 86 above

Atty. Docket No. ARTM 1011-4 US

Full name of third inventor, if any:	Robert Laird	
Inventor's signature:		
Date:		
Citizenship:	United States	
Mailing Address:	2325 Monte Vista Prive	
	Pinole, California 94584	
Residence:	Same as Above	

Application No. 10/045,657

EXPRESS MAIL LABEL: EV 044535494 US

DATE: August 12, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

George Morrison, William Dubrul,

and Robert Laird

SC/Serial No.: 10/045,657 Confirm. No.: 9884

Filed:

Inventors:

7 November 2001

Title:

TISSUE SEPARATOR ASSEMBLY AND METHOD

PATENT APPLICATION

Attorney Docket No.: ARTM 1011-4

Group Art Unit: 3739

Customer No. 22470

Petition under 37 CFR § 1.47 (a)

Commissioner of Patents Washington, DC 20231

Sir:

One of the joint inventors, Robert Laird, refuses to join in the subject application for patent. After a series of unproductive attempts to contact Robert Laird regarding this application, Robert Laird responded by sending John Scholl, Vice President of R&D for the assignee of this application, Artemis Medical, Inc., an e-mail, attached as exhibit A, indicating his refusal to join in the application.

Robert Laird's last known address is: Robert Laird, 2325 Monte Vista Drive, Pinole, California 94564.

Check No. 1897, including the petition fee under 37 § CFR 1417 (h) of \$130, is forwarded with this Petition.

The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

HAYNES BEFFEL & WOLFELD LLP

Date: August 12, 2002

HAYNES BEFFEL & WOLFELD LLP

P.O. Box 366

Half Moon Bay, CA 94019 Telephone: 650-712-0340 Facsimile: 650-712-0263 James F. Hann, Reg. No. 29,719

Exhibit A

John Scholl

From:

Rob [rob@corazon-inc.com]

Sent:

Friday, August 09, 2002 12:42 PM

To:

John Scholl

Subject:

Re Power of Attorney

John,

In regards to my signing of the Patent Application Power of Attorney, I must say that I feel strongly compelled not to sign it. After seeing how little regard you've shown for my contributions and commitment to Artemis in the past. As well as your displayed "Fairness" in dealing with my employment there, I feel no moral obligation to assist you or the company in any way. For these reasons, if you must have my signature I will only consider it if I'm compensated.

Regards,

Rob Laird





UNITED STATES PATENT AND TESTIMARE OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231 www.uspto.gov

COPY MAILED Paper No. 11

DEC 1 0 2002

HALF MOON BAY, CA 94019 In re Application of Morrison, et al.

HAYNES BEFFEL & WOLFELD LLP

Application No. 10/045,657 Filed: November 7, 2001 Atty. Dkt. No.: ARTM 1011-4 For: TISSUE SEPARATOR ASSEMBLY AND

METHOD

P O BOX 366

OFFICE OF PETITIONS

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 27, 2002.

The petition is **GRANTED**.

Petitioner has shown that inventor Robert Laird has refused to join in the filing of the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The required one month extension of time has been charged to deposit account No. 50-0869 as authorized in the instant petition.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at $(703)\ 305-0310$.

Muschi Alesia M. Brown

Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy

HAYNES BEFFEL & WOLFELD LLP

DEC 1 3 2002 RECEIVED

DECLARATION Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **TISSUE SEPARATOR AND METHOD**, the specification of which

(Check One)

is attached hereto OR
was filed on November 7, 2001 as United States Application Serial No. 10/045,657.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Yes	Claimed No
		·		

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/246,413	November 7, 2000

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

	FULL NAME OF INVENTOR	FIRST Name George	MIDDLE Initial	LAST Name MORRISON	
201	RESIDENCE & CITIZENSHIP	City San Mateo	State or Foreign Country California	Country of Citizen U.S.A.	ship
	POST OFFICE ADDRESS	1175 Park Place #217	City San Mateo	State or Country CA	Zip Code 94403
IN	/ENTOR'S SIGNATÚ	JRE		DATE	
	FULL NAME OF INVENTOR	FIRST Name William	MIDDLE Initial	LAST Name DUBRUL	
202	RESIDENCE & CITIZENSHIP	City Redwood City	State or Foreign Country California	Country of Citizenship U.S.A.	
	OTT ILLETTO: III	1	Camorna	1 0.0.7	
	POST OFFICE ADDRESS	One Uccelli Blvd.	City Redwood City	State or Country CA	Zip Code 94063
INV	POST OFFICE ADDRESS		City Redwood City	State or Country	94063
INV	POST OFFICE ADDRESS	One Uccelli Blvd.	City Redwood City	State or Country CA	94063
IN\ 203	POST OFFICE ADDRESS /ENTOR'S SIGNATU FULL NAME OF	One Uccelli Blvd.	City Redwood City	State or Country CA DATE LAST Name	